

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ADE A. HAMZA; and MORENIKE HAMZA,

No. C 12-1391 CW

Plaintiffs,

ORDER GRANTING  
UNOPPOSED MOTION  
TO DISMISS (Docket  
No. 21) AND  
DISMISSING CASE  
FOR FAILURE TO  
PROSECUTE

v.

U.S. BANK NATIONAL ASSOCIATION;  
TERRY J. MOLLIKA; NANCY L.  
DOUGLAS; EUGENE J. CHIARELLI;  
CHIARELLI & MOLLIKA, LLP;  
HOMEWARD RESIDENTIAL, INC.; DAVID  
MARQUEZ; A.H.M.S., INC.; MATTHEW  
A. ENGEL; PREMIER TRUST DEED  
SERVICES, INC.; SAND CANYON  
CORPORATION, formerly known as  
OPTION ONE MORTGAGE CORPORATION;  
TANYA HOPKINS; DAVID M.  
APPELGATE; HOMEOWNERS FIRST, LLC;  
JOHN G. STUMPF; WELLS FARGO BANK,  
N.A.; JOSEPH C. GALLAGHER; STEVEN  
G. ROGERS; and LARRY MATNEY,

Defendants.

On February 22, 2012, Plaintiffs Morenike and Ade A. Hamza initiated this action in the Alameda County Superior Court.

On March 20, 2012, Defendant Chiarelli & Mollica LLP, joined by Defendants Terry J. Mollica, Eugene J. Chiarelli and Nancy L. Douglas, removed the case to federal court.

On June 20, 2012, Defendants Mollica, Chiarelli, Douglas and Chiarelli and Mollica LLP filed a motion to dismiss the claims against them.

On July 12, 2012, the Court granted Plaintiffs one additional week to file an opposition to the pending motion to dismiss and warned them that failure to do so would result in the dismissal of

1 their claims against the moving Defendants for failure to  
2 prosecute.


3 Plaintiffs have not filed a response to the pending motion to  
4 dismiss. Accordingly, the Court GRANTS the unopposed motion to  
5 dismiss and DISMISSES Plaintiffs' claims against the moving  
6 Defendants for failure to prosecute (Docket No. 21).

7 The Court also twice reminded Plaintiffs, see Docket Nos. 20  
8 and 25, that they were required to serve the remaining Defendants,  
9 U.S. Bank National Association, Homeward Residential, Inc., David  
10 Marquez, A.H.M.S. Inc., Premier Trust Deed Services, Inc., Tanya  
11 Hopkins, David Appelgate, Homeowners First, LLC, John G. Stumpf,  
12 Wells Fargo Bank, N.A., Joseph C. Gallagher, Steven G. Rogers and  
13 Larry Matney, by July 18, 2012 pursuant to Federal Rule of Civil  
14 Procedure 4(m). The Court also ordered Plaintiffs to file proof  
15 of timely service by July 20, 2012, and warned them that failure  
16 to do so would result in the dismissal of their claims against  
17 these Defendants for failure to prosecute.

18 Plaintiffs have failed to file proof of timely service upon  
19 these Defendants. Accordingly, the Court DISMISSES their claims  
20 against the remaining Defendants for failure to prosecute.

21 IT IS SO ORDERED.

22  
23 Dated: 7/23/2012

24  
25  
26  
27  
28  
  
CLAUDIA WILKEN  
United States District Judge